

In the Drawings:

Figures 3-7 have been amended to indicate "Prior Art" as new labeling.

REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

DRAWING OBJECTIONS / DRAWING CHANGES

With regard to the "Drawings" section on page 3 of the Detailed Action portion of the Office Action, submitted herewith are attached drawing sheets (each labeled "Replacement Sheet" within the margin header, as required) incorporating changes as indicated within the "AMENDMENTS TO THE DRAWINGS" section of this paper, i.e., adding "CONVENTIONAL" labeling to such drawings. While such drawings have been labeled "CONVENTIONAL", it is respectfully submitted that some portions of each drawing MAY NOT be conventional, in that the inventors have included their own teachings in the illustration and/or description of such drawings. As the following is believed to obviate the drawing concerns, reconsideration and withdrawal of the objection to the drawings are respectfully requested. Further, acknowledgment of receipt, and approval, of the drawing changes and Replacement Sheets, are respectfully requested.

PENDING CLAIMS

Claims 1, 3-5 and 7-25 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested.

At entry of this paper, Claims 1-3-5 and 7-23 are now pending in the application for consideration and examination.

'112, 1ST PARA. "WRITTEN DESCRIPTION" REJECTION - TRAVERSED

Claims 1, 3-5 and 7-23 have been rejected, under 35 USC '112, first paragraph, as failing to comply with the written description requirement, for the concerns listed within the item 2 on page 2 of the Detailed Action portion of the Office Action. Traversal is appropriate, because the Office Action listed feature was sufficiently described/taught within Applicant's original disclosure.

The Examiner appears to be setting forth a position that phrases (e.g., "realigning mechanism" and "to dynamically realign the area heated onto a same track as the write element") used within an amended claim must be found in the same words within the specification, or else a "written description" rejection is appropriate. Traversal is appropriate as follows.

First, MPEP 2163 (directed to "written description" guidelines) itself, explicitly states "...there is no *in haec verba* requirement..." (i.e., "in the same words" requirement) with respect to "written description", and continues to state simply that "...newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure." MPEP 2163 states two other guidelines of relevance to the present rejection, i.e., "To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention", and secondly, "...the PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not have recognized in the disclosure a description defined by the claims."

Here, the Office Action comments have supplied only a bare (albeit partially bolded) quotation of Applicant's claim limitations, with no accompanying evidence or reasons. Accordingly, it is respectfully submitted that the Examiner has not met his/her initial burden to support the "written description" rejection.

It is respectfully submitted that, in the present situation, the Examiner could not adequately support the rejection, because the Applicant's claimed features/limitations are implicitly and/or inherently disclosed within Applicant's specification sufficiently for a skilled artisan to conclude possession of the invention. More particularly, in opening, it is respectfully submitted that "realigning" means "to put back into proper ...alignment", and "dynamically" means "of or relating to ...motion in relation to force" (Webster's II New College Dictionary, copyright 1999).

Turning now to Applicant's specification, page 7, lines 4+, and FIG. 7, for example describe in detail how a heat element 72 and write element 74 are initially centered (i.e., aligned) with each other at some radial positions of the head with respect to the disk, but are shifted (i.e., misaligned) from each other at other radial positions owing to a changed yaw angle of the head. Next, Applicant's specification page 15, lines 20+, for example, describes how Applicant's offsetting mechanism can offset the heat element in a slider width direction so that the heat element can again be accurately brought into correspondence with (i.e., realigned) with that of the write element. It is respectfully submitted that it would be clear to any skilled artisan that Applicant's original specification describes initial centering and then recentering (i.e., alignment and then realignment).

Other parts of Applicant's specification disclose a number of example embodiments applying force (e.g., piezo electric force (FIG. 9), capacitive force (FIG. 10A)) to offset the heater or write element in a slider width direction so that the

elements can again be accurately brought back into correspondence (i.e., realigned). It is respectfully submitted that it would be clear to any skilled artisan that Applicant's original specification describes dynamically moving the elements to realign.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection are respectfully requested. If the Examiner continues such rejection, the Examiner should provide "evidence or reasons why persons skilled in the art would not have recognized in the disclosure a description defined by the claims", as required by MPEP 2163.

'112, 1ST PARA. "ENABLEMENT REQUIREMENT" REJECTION - TRAVERSED

Claims 1, 3-5 and 7-23 have been rejected, under 35 USC '112, first paragraph, as failing to comply with the enablement requirement, for the concerns listed within the item 3 on page 2 of the Detailed Action portion of the Office Action. Traversal is appropriate, because Applicant and the Undersigned cannot understand the rejection. Again, the Examiner has provided minimal comments regarding the rejection.

In an attempt to rebut and/or preclude renewal of the rejection, Applicant respectfully submits the following. MPEP 2163.07(a) states with respect to the enablement requirement, that "The information contained in the disclosure of an application must be sufficient to inform those skilled in the relevant art how to both make and use the claimed invention." It is respectfully submitted that any artisan in the magnetic head art would readily understand from Applicant's disclosure (and even from their own basic knowledge in the art), that the heat and write element are mutually differing components from one another, i.e., one is used to write data to the medium, and one is used to heat the medium. And further, in Applicant's

specification, the heat and write element are provided distanced from one another, thus further fortifying that such elements are differing components. Further, it is respectfully submitted that any artisan would readily understand from Applicant's FIG. 9, for example, that when the heat element is offset using the piezo element, that a distance between the heat and write elements can be varied (i.e., shortened or increased). That is, it is only logical that if one element is stationary and the other is moving, that the distance between them must be changing. In short, it is respectfully submitted that Applicant's disclosure is sufficient to inform those skilled in the relevant art how to both make and use the claimed invention.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection are respectfully requested. If the Examiner continues such rejection, the Examiner should provide more detailed comments explaining and supporting the rejection.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 620.43013X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600

Attachments :
FIGS. 3-7 replacement drawing sheets